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GENERAL RULES AND ORDERS

OF THE

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SURROGATE COURTS,

UPPER CANADA,

AS DIRECTED BY

THE JUDGES APPOINTED UNDER THE 14TH SEC.,
SURROGATE COURTS ACT, 1858,

INCLUDING

RULES AS TO GUARDIANSHIPS, UNDER 8 GEO. IV., CAP. 6,
FORMS, TABLE OF FEES, &c.

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THE SURROGATE COURTS,

UPPER CANADA.

RULES.

THE Judges appointed under the fourteenth section of "*The Surrogate Courts Act*, 1858," do, in pursuance of the powers conferred by the said Act, order and direct that the rules, orders, and directions hereinafter set forth, shall henceforth be the General Rules and Orders in non-contentious business:

For regulating the procedure and practice of the Surrogate Courts;

For regulating the duties of the several Surrogate Court Registrars, and the duties of the Surrogate Clerk; and

For fixing the fees to be taken by the Registrars and other Officers of the said Courts, and by Attornies practising therein; and, also,

In relation to the provisions of the said Act.

PROCEDURE.

1. Non-contentious business shall include all common form business as defined by the Act, and the warning of caveats.

2. Applications for probate or administration may be made through a solicitor or attorney, or in person.

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3. No probate or letters of administration with the will annexed, shall issue until after the lapse of seven days from the death of the deceased, unless under the direction of the Judge.

4. No administration shall issue, until after the lapse of fourteen days from the death of the deceased, unless under the direction of the Judge.

5. Every application to a Surrogate Court for grant of probate or administration, must be by petition, signed by the applicant or his attorney. The subjoined forms, numbered 1, 2, 3 and 4, are to be followed as nearly as the circumstances of the case will admit.

6. The necessary affidavits to lead grant, and the usual oath of executors and administrators, may be taken at the time the application for grant is signed, or afterwards at any time before application is submitted to the Judge for his order and direction.

7. If there should appear to be any material variance between the application and affidavits made in support thereof, the Judge may direct such application to be amended according to the fact, and a *new notice* on such amended application to be sent to the Surrogate Clerk.

8. Where there are one or more subscribing witnesses to a will or codicil, the due execution of such will or codicil shall be sworn to by any one of such witnesses, or the absence of such witnesses accounted for; in which last case such will or codicil must be established by other proof, to the satisfaction of the Judge.

9. The oath of administrators, and of administrators with the will annexed, is to be so worded as to clear off all persons

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having a prior right to the grant. In these cases the grant should show on the face of it how the prior interests have been cleared off.

10. The usual oath of administration, as well as that of executors and administrators with the will, is to be reduced into writing, and to be subscribed and sworn by them as an affidavit.

11. Under the statute the several Surrogate Courts have power to appoint an administrator other than the person who, prior to the Act, would have been entitled to the grant (Sec. 38). Whenever the Court sees fit to exercise such a power, the fact should be made plainly to appear in the oath of the administrator, in the letters of administration, and in the administration bond.

12. Where limited administrations are applied for, it must be made to appear that every person entitled in distribution to the personal estate, has consented, or renounced, or has been cited and failed to appear, except when the Judge sees fit otherwise specially to direct.

13. No person entitled to a grant of administration of the personal estate and effects of the deceased generally, shall be permitted to take a limited grant.

14. In administrations of a special character the recitals in the oath and in the letters of administration must be framed in accordance with the facts of the case.

15. Grants of administration may be made to the guardians of infants and minors, for the use and benefit of such infants and minors during their minority, and elections by minors of their next of kin, or next friend, as the case may be, to such guardianship, shall be required.

16. Every will, or copy of a will, to which an executor or

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administrator with the will is sworn, should be marked by such executor or administrator, and by the person before whom he is sworn.

17. In all cases where it is necessary to issue a citation to accept or refuse probate of a will, or to accept or refuse letters of administration, or where it is necessary, to issue a subpœna to bring in a testamentary paper, and in all similar cases, the order of the Judge must be taken, and such citation, subpœna or other instrument issued by the Registrar, in accordance with the direction of the Judge.

18. The party entering a caveat must declare therein the nature of his interest in the goods of the deceased, and the grounds upon which he enters such caveat, and the same shall be signed by the party, or by his attorney or solicitor on his behalf, and a place mentioned as the address of the party entering the caveat; and no caveat shall have any force or effect unless the requirements of this rule be in substance complied with.

19. A caveat shall remain in force for the space of three months only, and then expire and be of no effect; but caveats may be renewed from time to time, as heretofore.

20. No caveat shall affect any grant made on the day on which the caveat is entered, unless notice of such caveat has been received prior to the grant passing the seal.

21. A caveat shall be warned at the place mentioned in it as the address of the person who entered it.

22. It shall be sufficient for the warning of a caveat, that the Registrar of the Court in which application for grant is made, send by public post a warning signed by himself, bearing the seal of the Court, and directed to the person who

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entered it, or to his attorney, if signed by attorney, at the address mentioned in it.

23. Any person intending to oppose a grant of probate or administration, for which application has been made to a Surrogate Court, must appear, either personally or by attorney, and enter an appearance in such Court, in which appearance the address of the party, or of his attorney, shall be given. This rule is to apply whether the person intending to oppose the grant has or has not been previously warned to a caveat, or served with a citation.

24. When a party, intending to oppose a grant, has filed an appearance with the Registrar, no farther steps in respect to such grant shall be taken, except under the special direction of the Judge.

25. Citations against all persons in general, and other instruments heretofore required to be served by affixing them in some public place, are in future to be served by the insertion of the same as advertisements in such newspapers, local, British, or foreign, as the Judge may from time to time direct. Such citations can only be allowed to issue in cases where there is an affidavit to lead them.

26. Citations under the 27th Section of the Act may be served by inserting the same as advertisements in such one of the *Toronto* morning papers, and such other papers, local, British, or foreign, as the Judge of the Court may by special order direct.

27. The bond to be given upon any grant of administration shall be according to the forms 16 and 17 subjoined, or in a form as near thereto as the circumstances of the case admit.

28. The sureties in such bond are required in all cases to justify.

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29. In ordinary cases where property is *bona fide* under the value of fifty pounds, one surety only may be taken to the administration bond.

30. In all cases of limited or special administration, two sureties are always to be required to the administration bond, and the bond is to be given in double the amount of the fund to be dealt with under the administration.

31. Whenever any renunciation is filed subsequent to notice of application to the Surrogate Clerk, or any alteration is subsequently made in the grant; notice of such renunciation or alteration is to be immediately forwarded by the Registrar of the Court to the Surrogate Clerk.

32. The addition and true place of abode of every person making an affidavit, shall be inserted therein.

33. In every affidavit made by two or more persons, the names of the several persons making it are to be written in the jurat.

34. Where an affidavit is made by any person who is blind, or who from his or her signature, or otherwise, appears to be illiterate, the Registrar or Commissioner before whom such affidavit is made, is to state in the jurat that the affidavit was read in the presence of the party making the same, and that such party seemed perfectly to understand the same; and also that the said party made his or her mark, or wrote his or her signature, in the presence of the Registrar or Commissioner before whom the same was taken.

35. No affidavit should be admitted in any matter depending in a Surrogate Court, in the jurat of which there is any interlineation or erasure.

36. No affidavit is to be admitted which has been sworn

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before the party on whose behalf the same is offered, or before his attorney, or before the clerk or partner of such attorney.

REGISTRARS.

37. Every Registrar of a Surrogate Court, being also Clerk of the County Court, shall keep his office open on such days and during such hours as the office of the Clerk of the County Court is required to be kept open; and every Registrar who is not the Clerk of the County Court shall keep his office at the county town, and shall keep the same open during such hours as the Judge shall prescribe.

38. Every Registrar of a Surrogate Court shall keep books as nearly as may be in the manner shown in the forms, numbered 35, 36, 37, 38 and 39, set forth below.

39. Every Registrar shall duly endorse and file all papers received by him, and enter a note thereof, and of every proceeding in the Court in the books to be kept.

40. When it is desired by any applicant for grant of probate or administration, the Registrar of the Court in which application is to be made may prepare the form of application, and all other forms necessary in non-contentious business, without the intervention of a solicitor or attorney.

41. All applications for the grant of probate or administration received by a Registrar, shall be numbered in the order in which they are received, and be endorsed thus:—"Received and filed the ———— day of ———— 185—, ————, Registrar of said Court." And an entry thereof shall be made in the book to be kept for that purpose, with a number prefixed to correspond with the number on the application to which such entry relates.

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42. Notices of applications to be transmitted to "The Surrogate Clerk," under the 28th section of the Act, are to contain the Christian and surname, residence and addition of the deceased, the time of his death, Christian and surname, residence and addition of applicant, nature of application, court in which made. Forms 5, 6, 7 and 8 are subjoined, to be varied according to the circumstances.

43. All papers and communications from Registrars to the Surrogate Clerk, shall be transmitted through the post office, the letter or packet to be registered and prepaid and addressed thus:—

THE SURROGATE CLERK,

TORONTO.

From the Surrogate Court,
County of ———

44. Every Registrar, upon receipt of a certificate from the Surrogate Clerk, touching an application made to the Court of which he is Registrar, shall forthwith enter a note thereof in the book to be kept for that purpose; and shall, as soon as may be thereafter, lay such application, and all papers in relation to the same, before the Judge for his order and direction thereupon.

45. Every order made by the Judge upon or in reference to any application, shall be noted by the Registrar in the books to be kept for that purpose.

46. When the Judge makes an order for the grant of probate or administration, the Registrar shall record such grant in the "Register Book," and in case of the grant of probate

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or letters of administration with the will annexed, an exact copy of the will, and codicil if any, to which such probate or administration relates, shall be under-written. If a grant be afterwards revoked, a note of such revocation shall be entered across the record of grant in the *Register Book*.

47. All probates and letters of administration shall be signed by the Registrar, and sealed with the seal of the Court from which they are issued, and the copy of will, and codicil, if any, annexed to a probate or to letters of administration, shall be authenticated by the signature of the Registrar.

48. The list of grants of probate and administration, and of revocation thereof, required under the 30th Section of the Act to be sent by Registrars to the Surrogate Clerk, are to contain in each case the Christian and surname, residence and addition of the deceased, the time of his death, date of the grant, name, residence, and addition of executor or administrator, nature of grant, and in what Surrogate Court.

49. Every Registrar of a Surrogate Court shall number, endorse, and enter all caveats lodged with him in the same manner as provided in respect to applications for grants: and notice thereof in the form No. 33, shall be sent to the Surrogate Clerk by the next post after such caveat has been lodged.

APPEALS TO THE COURT OF CHANCERY.

50. Appeals under the twentieth section of the Act shall be subject to the following regulations:—

In case any person desires to appeal from any order, sentence, judgment, or decree of a Surrogate Court, or from the determination of the Judge thereof on any point of law—

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I. He (or in case of his absence, some one on his behalf,) shall, with two sufficient sureties, execute a bond to the respondent in the sum of two hundred dollars, to the effect, that the appellant will effectually prosecute his appeal, and pay such costs, charges and expenses as shall be awarded in case the order (*or* decree, *as the case may be*,) shall be affirmed, or in part affirmed.

II. The sureties to such bond shall make affidavit as to their sufficiency.

III. An affidavit of the execution of the said bond shall be made by the subscribing witness thereto.

IV. An affidavit shall be made by the appellant, his attorney or agent, that the goods, chattels, rights, or credits, to be affected by such order (*or* decree, *as the case may be*,) are over the value of two hundred dollars.

V. The said bond and affidavits shall be filed with the Registrar of the Surrogate Court.

VI. A notice of such appeal shall be served by the appellant on the opposite party, his attorney or agent.

If such bond and affidavits be made and filed, and such notice be served within fifteen days, next after the order, sentence, judgment, decree, or determination, appealed against, the appeal shall be held by such Surrogate Court to be duly lodged.

51. When an appeal is so lodged, the Judge of the Surrogate Court shall, on the application of the appellant, order all proceedings in the matter to be stayed.

52. Upon certificate from the Registrar of the Court of

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Chancery, that the petition of appeal has been filed in his office, the Judge of the Surrogate Court shall, upon the application of the appellant, order the Registrar of the Court forthwith to transmit (at the expense of appellant) to the Registrar of the Court of Chancery the documents, instruments, affidavits, and papers, in the matter appealed, deposited or filed in such Surrogate Court.

REMOVAL OF CAUSES.

53. When a cause or proceeding is removed into the Court of Chancery, under the twenty-second section of the Act, the Judge of the Surrogate Court shall, upon the application of the party who has obtained the order for removal, in like manner as mentioned in Rule 52, direct the papers in the matter to be transmitted to the Registrar of the Court of Chancery.

THE SURROGATE CLERK.

54. The Surrogate Clerk shall keep an office at such place as the Judges of the Court of Chancery may direct, and such office shall be kept open daily, except on the appointed holidays of the Court, for and during such hours as the Judges of the Court of Chancery shall prescribe.

55. Every office day the Surrogate Clerk shall procure from the Toronto Post Office such letters and communications as may have been mailed and addressed to him as the Surrogate Clerk.

56. The Surrogate Clerk shall keep books as nearly as may be in the manner shown in the forms numbered 41, 42, and 43, set forth below, and which books he shall keep duly indexed from time to time.

57. All notices of applications to any Surrogate Court for the grant of probate or administration received by the Surro-

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gate Clerk, shall be numbered in the order in which they are received, and be endorsed thus—"Received and filed the ———day of———, 185 ,———, Surrogate Clerk;" and an entry thereof shall be made in the book to be kept for that purpose, with a number prefixed to correspond with the number on the notice of application to which such entry relates; and all caveats and copies of caveats lodged with and received by the Surrogate Clerk, shall in like manner be numbered, endorsed, and entry thereof be made in the book to be kept for that purpose.

58. The Surrogate Clerk, upon receiving a notice of application for probate or administration, if seven days in cases of testacy, and fourteen days in cases of intestacy, have elapsed after the death of the deceased (as shewn in the notice) shall forthwith make the necessary search and examination in the books required to be kept by him, and amongst the original papers on file in his office; and on the next office day after the receipt of such notice shall mail a certificate as to such search according to the form numbered 40, or as near thereto as the circumstances of the case will admit. If at the time of receiving a notice of application, the periods aforesaid shall not have expired, the Surrogate Clerk shall not make such search and examination, nor shall such certificate be sent until the eighth day after the death of the testator, and the fifteenth after the death of the intestate, according to the time of decease, as shewn in the notice of application for probate or administration.

59. The Surrogate Clerk shall extract from the lists furnished to him under the 30th section of the Act, the particulars of each grant, and shall enter a note of the same, placing it in its alphabetical order under the first letter of the surname of the testator or intestate, in the book to be kept by him for that purpose, and shall also note in such book every revocation of a probate or administration notified to him; and

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all lists, copies of wills, returns of revocations, and papers received by the Surrogate Clerk, shall be filed and indorsed in like manner, as is provided in respect to notices of application for grants.

60. If it shall appear from the entries required to be kept by the Surrogate Clerk, or from inspection of the original papers on file in his office, that the name of the deceased person as given in any application for probate or administration, although not identical in the mode of spelling, yet is, or appears to be, *idem sonans*, with the name of the testator or intestate, as given in any other application or in any list of grants on file, or if on such examination or inspection it shall for any other cause appear doubtful whether another application or an actual grant has not been made in the goods of the same deceased person, the Surrogate Clerk shall certify the special matter as disclosed in such search and inspection by him.

61. All communications from the Surrogate Clerk to Registrars of Surrogate Courts shall be by registered letter, addressed thus:—

THE REGISTRAR OF THE SURROGATE COURT OF
THE COUNTY OF (*as the case may be.*)
(*Insert Post Office Address.*)

From the Surrogate Clerk.

62. The Surrogate Clerk shall attend the meetings of the Judges appointed under the 14th section of the Act, and shall perform such duties, as their Clerk, as may be required of him.

FEES.

63. Registrars and other officers of Surrogate Courts shall be entitled to take and receive to their own use, the fees set forth in the tables of fees subjoined, marked A, for the performance of duties and services under the Act in non-contentious cases.

64. The fees payable to the fee fund, and to the Judge and Registrar, on business and proceedings in the Surrogate Courts, as well as postage when necessary, shall be paid to the Registrar, in the first instance by the party on whose behalf such proceeding is to be had, on or before such proceeding.

65. Attorneys practising in the said Courts, shall be entitled to take for the performance of business and services under the Act, in non-contentious cases, the fees set forth in the subjoined table, marked B.

FORMS.

66. The subjoined forms, numbered 1 to 39, inclusive, are to be adopted and followed in the several Surrogate Courts as nearly as the circumstances of each case will allow.

67. In the construction of these Rules, the provisions contained in the 67th section of the Act shall apply.

ROBERT E. BURNS, J.

J. G. SPRAGGE, V.C.

JAS. R. GOWAN, Co. J.

Toronto, 29th November, 1858

FORMS.

1. *Application for Probate in common form by a Sole Executor.*

Unto the Surrogate Court of the County (or United Counties) of ——

The petition of A. B., of the —— of ——, in the County of ——, Esquire,

Humbly Sheweth :—

That C. D., late of the —— of ——, in the County of ——, *surgeon*, deceased, died on or about the —— day of ——, A. D. 185 , at ——, in, &c., and that the said deceased at the time of *his* death had *his* fixed place of abode at ——, in the said County of ——, [*or* "had no fixed place of abode in Upper Canada," (*or* "resided out of Upper Canada,") "but had at such time personal" (or "real") "estate in the said County of ——."] That the said deceased in *his* life time duly made *his* last will and testament, bearing date the —— day of ——, 185 , [and codicil (*or* codicils) bearing date the —— day of ——, A. D. 185 .] That your petitioner is the executor named in the said will (*or* codicil). That the value of the personal estate and effects of the said deceased, which *he* in any way died possessed of or entitled to, and for and in respect to which a probate of the said will (and codicil) is to be granted are of or about the value of —— dollars, to the best of your petitioner's knowledge and belief. Wherefore your petitioner prays that probate of the said will (and codicil) of the said deceased may be granted to *him* by this honorable Court.

Dated the —— day of ——, 185 .

A. B.

Or if signed by Attorney of applicant,

A. B.,

by *his* Attorney E. F., one, &c.

2. *Application for Grant of Administration with the Will annexed in common form, where no Executors appointed.*

Unto the Surrogate Court of the County (or United Counties) of ——

The petition of A. B., of the ——— of ———, in the County of ———, *Esquire*,

HUMBLY SHEWETH :—

That C. D., late of ———, in the County of ———, *spinster*, deceased, died on or about the —— day of ———, A. D. 185 , at ——, in, &c., and that the said deceased at the time of *her* death had *her* fixed place of abode at ———, in the said County of ———, [*or* "had no fixed place of abode in Upper Canada," (*or* "resided out of Upper Canada,") "but had at such time personal" (*or* "real") "estate in the said County of ——,"] that the said deceased in *her* lifetime duly made *her* last will and testament, bearing date the —— day of ———, A. D. 185 , [and codicil (*or* codicils) bearing date the —— day of ———, 185 .]

That no executor is named in the said will (or codicil). That your petitioner is the residuary legatee (*or as the case may be*) named in the said will (*or* codicil). That the value of the personal estate and effects of the said deceased which *she* in any way died possessed of, or entitled to, and for and in respect to which a probate of the said will (and codicil) is to be granted, are of or about the value of ——— dollars, to the best of your petitioner's knowledge, information and belief.

Wherefore your petitioner prays that administration with the said will (and codicil) annexed, of the personal estate and effects of the said deceased may be granted and committed to *him* by this honourable Court.

Dated the —— day of ——, A. D. 185 .

A B.

Or if signed by Attorney of applicant,

A. B.,

by *his* Attorney, E. F., one, &c.

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3. *Application for Grant (in common form) where Executor or Residuary Legatee has renounced Probate or Administration with Will annexed.*

Unto the Surrogate Court of the County (or United Counties) of ——

The petition of A. B., of the —— of ——, in the County of ——, Esquire,

Humbly Sheweth :—

That C. D., late of the —— of ——, in the County of ——, *surgeon*, deceased, died on or about the —— day of ——, A. D. 185 , at ——, in, &c., and that the said deceased at the time of *his* death had *his* fixed place of abode at——, in the said County of—— [*or* "had no fixed place of abode in Upper Canada," (*or* "resided out of Upper Canada,") "but had at such time personal" (or "real") "estate in the said County of ——."] That the said deceased in *his* lifetime duly made *his* last will and testament, bearing date the —— day of ——, A. D. 185 , [and codicil (*or* codicils) bearing date the —— day of ——, A. D. 185 .]

That E. F., of ——, the executor (*or* residuary legatee, &c.,) named in the said will, has by *deed*, hereunto annexed, duly renounced all right and title to [the probate and execution of the said will (and codicil, *if any*) *or* letters of administration to the personal estate and effects of the deceased.]

That your petitioner is (*state relationship to deceased*). That the value of the whole property devolving under the said will (and codicil) is under —— dollars, and that the personal estate and effects of the said deceased, which *he* in any way died possessed of or entitled to, and for and in respect to which a probate of the said will (and codicil) is to be granted, are of or about the value of —— dollars, to the best of your petitioner's knowledge, information and belief.

Wherefore your petitioner prays that administration with the said

will (and codicil) of the said deceased annexed may be granted to *him* by this honourable Court.

Dated the —— day of ——, A. D. 185 .

A. B.

Or if signed by Attorney of applicant,

A. B.,
by *his* Attorney G. H., one, &c.

---

4. *Application for Grant of Administration.*

Unto the Surrogate Court of the County (or United Counties) of——

The petition of A. B., of the —— of ——, in the County of ——, *spinster*,

Humbly Sheweth:—

That C. D. late of the —— of ——, in the County of ——, *merchant*, deceased, died on or about the —— day of ——, A. D. 185 , at ——, in, &c., and that the said deceased at the time of his death had his fixed place of abode at ——, in the said County of ——, [*or* "had no fixed place of abode in Upper Canada," (*or* "resided out of Upper Canada,") "but had at such time personal" (*or* "real") "estate in the said County of ——."] That the said deceased died a bachelor, without parent, brother or sister, uncle or aunt, nephew or niece, (*to be varied according to the circumstances of the case*) and without having left any will, codicil or testamentary paper whatever, and that your petitioner is the lawful cousin-german and next of kin of the said deceased (*to be varied according to the circumstances of the case.*)

That the personal estate and effects of the said deceased, which *he* in any way died possessed of or entitled to, and for and in respect to which letters of administration are requested to be granted, are of

or about the value of ——— dollars, to the best of your petitioner's knowledge, information and belief.

Wherefore your petitioner prays that administration of the personal estate and effects of the said deceased may be granted and committed to *her* by this honourable Court.

Dated this —— day of ———, 185 .

A. B.
Or if signed by Attorney of applicant,
A. B.,
by *her* Attorney E. F., one, &c.

5. *Notice to be transmitted by Registrar of a Surrogate Court to the Surrogate Clerk, of application made to such Court for a Grant of Probate to Sole Executor.*

The Surrogate Court of the County of ——.

To the Surrogate Clerk :

Take notice, that application has been made to the Surrogate Court of the County of ———, for a grant of probate of the will bearing date the —— day of ———, A. D. 185 , [and codicil (*or* codicils) bearing date the —— day of ——— A. D. 185 ,] of ——, late of —— in the County of ——, deceased, *surgeon*, who died on or about the —— day of ——, A. D. 185 , having at the time of *his* death a fixed place of abode at ——, in the said County of —— [*or* "no fixed place of abode in Upper Canada," (*or* "resided out of Upper Canada,") "but having at such time personal (*or* "real") estate in the said County of——,"] by A. B. of ———, in the County of ———, ———, the executor (*or* by J. P., the Attorney of A. B., the executor) named in the said will (*or* codicil).

Application received the —— day of ——, 185 .
This notice mailed the —— day of ——, 185 .

———,
Registrar of the said Court.

6. *Notice to be transmitted by Registrar of a Surrogate Court to the Surrogate Clerk, of application for Grant of Administration with the Will annexed, where no Executor appointed.*

The Surrogate Court of the County of ——.

To the Surrogate Clerk :

Take notice, that application has been made to the Surrogate Court of the County of ———, for a grant of letters of administration with the will annexed, the said will bearing date the —— day of———, A. D. 185 , [and the said codicil (*or* codicils) bearing date the —— day of ———, A. D. 185 ,] of ———, late of ———, in the County of ———, ———, deceased, who died on or about the —— day of ———, A. D. 185 , having at the time of his death a fixed place of abode at ——, in the said County of ———, [*or* "no fixed place of abode in Upper Canada," (*or* "resided out of Upper Canada") "but having at such time personal" (*or* "real") "estate in the said County of ———,"] by A. B. of the —— of ——, in the County of ——, ——, the residuary legatee (*or as the case may be*) named in the said will (*or* codicil), (*or* by J. P. the Attorney of A. B. the residuary legatee named in said will or codicil). No executor having been named in the said will or codicil.

Application received the —— day of —— 185 .
This notice mailed the —— day of ——, 185 .

———————,
Registrar of the said Court.

7. *Notice to be transmitted by Registrar of a Surrogate Court to the Surrogate Clerk, of application for Grant where Executor or Residuary Legatee has renounced Probate or Administration with Will annexed.*

The Surrogate Court of the County of——.

To the Surrogate Clerk :

Take notice that application has been made to the Surrogate Court of the County of———, for a grant of letters of administration

with the will annexed, the said will bearing date the —— day of ——, A. D., 185 , [and the said codicil (*or* codicils,) bearing date the —— day of ——, A. D., 185 ,] of ——, late of ——, in the County of ——, ——, deceased, who died on or about the —— day of ——, A. D., 185 , having at the time of his death a fixed place of abode at ——, in the said County of ——, [*or* "no fixed place of abode in Upper Canada," (*or* "resided out of Upper Canada,") "but having at such time personal" (*or* "real") "estate in the said County of ——,"] by A. B. of the —— of ——, in the County of ——, ——, the residuary legatee, (*or as the case may be,*) named in the said will (*or* codicil,) (*or* by J. P., the Attorney of A. B., the residuary Legatee named in the said will or codicil,) E. F. of the —— of ——, in the County of ——, ——, the executor (*or* "residuary legatee," &c.) named in the said will, having renounced all right to the probate and executorship of the said will and codicil (if any,) (*or* to letters of administration to the personal estate and effects of the said deceased.)

Application received the —— day of ——— 185 .
This Notice mailed the —— day of ——— 185 .

——— ———,
Registrar of the said Court.

8. *Notice of Application for Grant of Administration.*

The Surrogate Court of the County of ——.

To the Surrogate Clerk:

Take notice that application has been made to the Surrogate Court of the County of ——, for a grant of letters of administration of the personal estate and effects of ——, late of the —— of ——, in the County of —— ——, deceased, who died intestate on or about the —— day of ——, A. D., 185 , having at the time of his death a fixed place of abode at ——, in the said County of ——, [*or* "no fixed place of abode in Upper Canada," (*or* "resided out of

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Upper Canada,") "but having at such time personal" (*or* "real") "estate in the said County of ———,"] and who died without child or parent, brother or sister, uncle or aunt, nephew or niece *him* surviving, by A. B., of the —— of ——, in the County of ———, ———, one of the lawful cousins-german and next of kin of the deceased (or by J. P., the Attorney of A. B., one of the, &c.)

Application received the —— day of —— 185 .
This Notice mailed the —— day of —— 185 .

———————,
Registrar of the said Court.

9. *Affidavit of Time of Death, and Place of Abode of Testator or Intestate.*

In the Surrogate Court, County of ——.

In the Goods of W. A., deceased.

I, A. B., of the —— of ———, in the County of ———, ——, make oath and say that I am [one of the executors (*or* the executor) named in the last will and testament (or codicil) of the said W. A. deceased, (*or* the party applying for administration with the wil and codicil if any, annexed, *or* administration of the personal estate and effects of the said W. A., deceased.] That said deceased died on or about the —— day of ——, A. D. 185 , at ———, and that the said deceased, at the time of *his* death, had *his* fixed place of abode at ———, in the said County of ———, [*or* had no fixed place of abode in Upper Canada, (or resided out of Upper Canada), but had at such time personal (*or* real) estate in the said County of ———].

A. B.

Sworn at ———, in the County of ——, the —— day of ——, A.D. 185 , before me,

(*Person authorised to administer oaths under the Act.*)

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10. *Affidavit of Value of Property devolving, and of Personal Estate and Effects.*

In the Surrogate Court, County of ——.

In the goods of W. A., deceased.

I, A. B., of the —— of ——, in the County of ——, ——, make oath and say, that I am [one of the executors (*or* the executor) named in the last will and testament (*or* codicil) of the said W. A., deceased, (*or* the party applying for administration with the will (and codicil, if any,) annexed, *or* administration of the personal estate and effects of the said W. A., deceased.]

That the personal estate and effects of the said deceased, which *he* in any way died possessed of or entitled to, and for and in respect to which, ("probate of the said will is," *or* "letters of administration are,") to be granted, are of or about the value of ——— dollars.

Sworn at ——— in the County of
—— the —— day of —— A.D.
185 , before me, } A. B.

(*Person authorized to administer oaths under the Act.*)

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11. *Affidavit of Search for Will.*

In the Surrogate Court, County of ——.

In the goods of J. T., deceased.

I, A. B., of the ——— of ———, in the County of ———, make oath and say, that I am the party applying for administration of the personal estate and effects of the said J. T., late of ———, in the County of ———, deceased. That I made diligent and careful search in all places where the deceased usually kept his papers, and in his depositaries, in order to ascertain whether the deceased

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had or had not left any will; but that I have been unable to discover any will, codicil, or testamentary paper, and I verily believe that the deceased died without having left any will, codicil, or testamentary paper whatsoever.

Sworn at ———, in the County of ———, the —— day of ——, A.D. 185 , before me, } A. B

(*Person authorized to administer oaths under the Act.*)

12. *Affidavit of Execution of Will by Subscribing Witness.*

In the Surrogate Court of the County of ——.

In the Goods of A. B., deceased.

I, C. D., ———, of the Township of ———, in the County of ———, make oath and say, that I knew A. B., late of ———, deceased, that on or about —— day of ———, in the year of our Lord one thousand eight hundred and fifty , I was present, and did see the said A. B., ——, sign and declare the paper-writing hereunto annexed as, and for, the last will and testament of the said A. B.; that I deponent [and E. F., of &c., (*if there be a second subscribing witness*)] did subscribe my name as witness [*or* our names as witnesses] to the execution of the said will, at the request of the said testator, and in presence of each other; (*or as the case may be*) and lastly, that the name (*or* several names) subscribed as witness to the execution of the said will are of the proper hand-writing of this deponent (and the said E. F. respectively.)

Sworn before me, at ———, this —— day of ———, A. D. 185 . } C. D.

(*Person authorized to administer oaths under the Act.*)

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13. *Oath of Executor.*

In the Surrogate Court of the County of ——.

In the Goods of ——, deceased.

I ——, of the —— of ——, in the County of ——, ——, make oath and say, that I believe this paper writing [*or* these paper writings] hereto prefixed, to contain the true and original last will and testament of ——, late of the —— of ——, in the County of ——, ——, that I am the sole executor [*or* one of the executors] therein named [*or* executor according to the tenor thereof—executor during life—executrix during widowhood, *or as the case may be*,] and that I will faithfully administer the personal estate and effects of the said testator, by paying his just debts and the legacies contained in his will [*or* will and codicils], so far as the same will thereunto extend and the law bind me; and that I will exhibit a true and perfect inventory of all and singular the personal estate and effects, rights and credits of the testator, and render a just and full account of my executorship whenever required by law so to do.

Sworn at ——, in the County of ——, the —— day of ——, A.D. 185 , before me, } A. B.

(*Person authorised to administer oaths under the Act.*)

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14. *Oath of Administrator with Will.*

In the Surrogate Court of the County of ——.

In the Goods of ——, deceased.

I, ——, of the —— of ——, in the County of ——, ——, make oath and say, that I believe this paper writing [*or* these paper writings] hereto prefixed, to contain the true and original last will

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and testament of ——, late of the —— of ——, in the County of ——, ——, and that the executor therein named [is dead, not having taken out probate, *or* has renounced all right and title to the probate and execution of the said will, *or as the fact may be*,] and that I am the residuary legatee in trust named therein (*or as the fact may be*), and that I will faithfully administer the personal estate and effects of the said deceased, according to the tenor of his will (*or* will and codicils), by paying his just debts and the legacies contained in his will (*or* will and codicils), so far as the same shall thereto extend and the law bind me, and distributing the residue, if any, of the estate according to law, and that I will exhibit a true and perfect inventory of all and singular the personal estate and effects, rights and credits, of the said testator, and render a just and true account of my administration whenever required by law so to do.

Sworn at ——, in the County of ——, the —— day of ——, A. D. 185 , before me, } A. B.

(*Person authorised to administer oaths under the Act.*)

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15. *Oath for Administrators.*

In the Surrogate Court of the County of ——.

In the Goods of ——, deceased.

I, ——, of the —— of ——, in the County of ——, ——, make oath and say, that ——, late of the —— of ——, in the ——, ——, deceased, died a bachelor, without leaving parent, brother or sister, uncle or aunt, nephew or niece, and intestate; that I am the lawful cousin-german and one of the next of kin of the deceased [*alter in accordance with the circumstances of the case*]; that I will faithfully administer the personal estate and effects of the deceased, by paying his just debts, and distributing the residue (if any) of his estate according to law, and

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that I will exhibit a true and perfect inventory of all and singular the personal estate and effects, rights and credits, of the said deceased, and render a just and true account of my administration whenever required by law so to do.

Sworn at ———, in the County of ——, the —— day of ——, A. D. 185 , before me, } A. B.

(Person authorized to administer oaths under the Act.)

16. *Administration Bond.*

Know all men by these Presents: That we, A. B., of the —— of ——, in the ———, ——, C. D., of the, &c., and E. F., of the, &c., are jointly and severally bound unto G. H., the judge of the Surrogate Court of the ———— in the sum of —— dollars, to be paid to the said G. H., or the judge of the said court for the time being; fc which payment well and truly to be made, we bind ourselves and —— of us for the whole, our heirs, executors, and administrators, firmly by these presents. Sealed with our seals. Dated the —— day of ——, in the year of Our Lord 185 .

The Condition of this obligation is such, that if the above named A. B., the administrator of all the personal estate and effects, rights and credits, (*or as the case may be*) of ———, late of ——, in the ——, ——, deceased, (who died on the —— day of ——, 185 ,) do when lawfully called on in that behalf, make or cause to be made a true and perfect inventory of all and singular the personal estate and effects, rights and credits of the said deceased, which have or shall come into the hands, possession, or knowledge of the said A. B. or into the hands and possession of any other person or persons for him, and the same so made, do exhibit or cause to be exhibited into the Registry of the Surrogate Court of the ———, whenever required by law so to do, and the same personal estate and effects, rights and credits, and all other the personal estate and effects, rights and credits of the said deceased at the time of his death, which at any time after, shall come into the hands or possession of the said A. B., or into the

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hands or possession of any other person or persons for him, do well and truly administer according to law; (that is to say) do pay the debts which the said deceased did owe at *his* decease, and further, do make or cause to be made, a true and just account of *his* said administration whenever required by law so to do, and all the rest and residue of the said personal estate and effects, rights and credits, do deliver and pay unto such person or persons respectively, as shall be entitled thereto under the provisions of any act of Parliament now in force or that may hereafter be in force in Upper Canada; and, if it shall hereafter appear, that any last will or testament was made by the deceased, and the executor or executors therein named do exhibit the same unto the said Court, making request to have it allowed and approved accordingly, if the said A. B. being thereunto required, do render and deliver the said letters of administration (approbation of such testament being first had and made) in the said court; then this obligation to be void and of no effect, or else, to remain in full force and virtue.

Signed, sealed and delivered in presence of }
——————— }

(Registrar, or person authorised to administer oaths under the Act.)

[L. S.]

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17. *Administration Bond for Administrators, with Will annexed.*

Know all men by these Presents: That we, A. B., of the —— of ——, in the ——, —— C. D., of the, &c., and E. F., of the, &c., are jointly and severally bound unto G. H., the judge of the Surrogate Court of the ———, in the sum of —— dollars, to be paid to the said G. H., or the judge of the said court for the time being, for which payment well and truly to be made, we bind ourselves and —— of us for the whole, our heirs, executors, and administrators, firmly by these presents. Sealed with our Seals. Dated the —— day of ———, in the year of Our Lord 185 .

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The condition of this obligation is such, that if the above named A. B., the administrator of the personal estate and effects, rights and credits (*or as the case may be*) of ———, late of ——, in the county of ———, ———, deceased, who died on the ——— day of ———, A. D. 185 , do when lawfully called on in that behalf, make or cause to be made a true and perfect inventory of all and singular the personal estate and effects, rights and credits of the said deceased, which have or shall come into the hands, possession, or knowledge of the said A. B., or into the hands and possession of any other person or persons for him, and the same so made, do exhibit or cause to be exhibited into the Registry of the Surrogate Court of the County of ———, whenever required by law so to do, and the same personal estate and effects, rights and credits, and all other the personal estate and effects, rights and credits of the said deceased at the time of his death which at any time after shall come into the hands or possession of the said A. B., or into the hands or possession of any other person or persons for him, do well and truly administer according to law; that is to say, do pay the debts which the said deceased did owe at *his* decease, and then the legacies contained in the said will annexed to the said letters of administration to the said A. B. committed, so far as such personal estate will thereunto extend and the law bind him, and further do make or cause to be made a full, true and just account of his said administration when he shall be thereunto lawfully required, and all the rest and residue of the personal estate and effects, rights and credits, shall deliver and pay unto such person or persons as shall be by law entitled thereto, then this obligation to be void and of no effect, or else to remain in full force and virtue.

Signed, sealed and delivered in presence of } ———
——— } Registrar.

Registrar, or person authorised to administer oaths under the Act.)

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18. *Affidavit of Justification by Sureties*

In the Surrogate Court of the County of ——.

In the Goods of ——— deceased.

We, C. D., of the ———, in the County of ———, *yeoman*, and E. F., of the ———, in the ———, *Esquire*, severally make oath that we are the proposed Sureties on behalf of the intended administrator of the personal estate and effects of ———, deceased, in the within Bond named, for the faithful administration of the said personal estate and effects of the said deceased, and I the said C. D. for myself make oath and say, that I am possessed of estate of the value of —— dollars, and am worth —— dollars, all my debts being first paid, and I the said E. F. for myself make oath and say, that I am possessed of estate of the value of —— dollars, and am worth —— dollars, all my debts being first paid.

The above named C. D. and E. F. were severally sworn before me, this —— day of ——, A.D. 185 , at ———, in the ———.	C. D. E. F.

(Person authorised to administer oaths under the Act.)

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19. *Probate.*

In Her Majesty's Surrogate Court of the County of ——.

Be it known, that on the —— day of ———, A.D. 185 , the last will and testament (*or* the last will and testament with —— codicils) of ———, late of the ——— of ——— in ———, ———, who died on or about the —— day of ———, A. D. 185 , at ——, and who at the time of his death had a fixed place of abode at ———, in the said County of ———, [or "had no fixed place of abode in Upper Canada" (*or* "resided out of Upper Canada,") "but had at such time personal" (or "*real*," "estate in the said

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County of ———], was proved and registered in the said Surrogate Court, a true copy of which said last will and testament is hereunder written (*or* true copies of which said last will and testament, with codicil, are hereunder written), and that the administration of all and singular the personal estate and effects, rights and credits, of the said deceased, and any way concerning his will, was granted by the aforesaid Court to ———, of the ——— of ———, in the —— of ———, ———, the sole executor (*or as the case may be*) named in the said will (*or* codicil), he having been first sworn well and faithfully to administer the same by paying the just debts of the deceased, and the legacies contained in his will [*or* will and codicils), so far as he is thereunto bound by law, and to exhibit a true and perfect inventory of all and singular the said estate and effects, rights and credits, and to render a just and true account of his executorship whenever required by law so to do.

———,

[L. S.] Registrar of the Surrogate Court of the County of ———.

20. *Letters of Administration with Will annexed.*

In Her Majesty's Surrogate Court of the County of ———.

Be it known, that ———, late of the ——— of ———, in the County of ———, ———, deceased, who died on or about the —— day of ———, 185 , at ———, and who at the time of his death had a fixed place of abode at the ——— of ———, in the said County of ——— [*or* "had no fixed place of abode in Upper Canada," (*or* "resided out of Upper Canada)," "but had at such time personal (or "real") estate in the said County of———], made and duly executed his last will and testament, (with ——— codicil) and did therein name ———, of ———, in &c., ———, executor thereof [*or* named no executor therein], a true copy of which said last will and testament is hereunder written (*or* true copies of which said last will and testament, with ——— codicils, are hereunder written); and be it farther known that on the —— day of

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———, A. D. 185 , letters of administration with the said will (and ——— codicils) annexed, of all and singular the personal estate and effects, rights and credits of the said deceased, were granted by Her Majesty's Surrogate Court of the County of ———, to ——, of the —— of ——, in the ——— of ———, ——, (*insert the character in which the grant is taken, and if executor has renounced, state it,*) he the said ——— having previously been sworn well and faithfully to administer the same according to the tenor of the said will, to pay the just debts of the deceased, and the legacies contained in his will (*or* will and codicil) so far as he is thereunto bound by law, and to exhibit a true and perfect inventory of all and singular the personal estate and effects, rights and credits of the said deceased, and to render a true and just account thereof whenever by law required so to do.

[L. S.] Registrar of the Surrogate Court of the County of ———.

21. *Letters of Administration.*

In Her Majesty's Surrogate Court of the County of ———.

Be it known, that on the ——— day ———, A. D. 185 , letters of administration of all and singular the personal estate and effects, rights and credits of ——, late of the —— of ——, in the County of ——, who died on about the —— day of ——, 185 , at ——, intestate, and had at the time of his death a fixed place of abode at the —— of ———, in the said county of ———, [*or* "had no fixed place of abode in Upper Canada" (*or* "resided out of Upper Canada,") "but had at such time personal or real estate in the County of——,"] were granted by Her Majesty's Surrogate Court of the County of ———, to ———, of the ——— of ———, in the ——— of ——, the widow (or as the case may be) of the said intestate, *she* having been first sworn faithfully to administer the same by paying his just debts and distributing the residue (if any) of

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his personal estate and effects according to law, and to exhibit a true and perfect inventory of all and singular the said personal estate and effects, rights and credits, and to render a just and true account thereof whenever required by law.

[L. S.] Registrar of the Surrogate Court of ——.

22. *Double Probate.*

In Her Majesty's Surrogate Court of the County of ——.

Be it known, that on the —— day of ——, A. D. 185 , the last will and testament (*or* the last will and testament with —— codicils) of ——, late of the —— of ——, in ——, ——, who died on or about the —— day of ——, A. D. 185 , at ——, and who at the time of his death had a fixed place of abode at ——, in the said County of —— [*or* "had no fixed place of abode in Upper Canada," (*or* "resided out of Upper Canada,") "but had at such time personal" (or "*real*") "estate in the said County of ——,"] was proved and registered in the said Surrogate Court, a true copy of which said last will and testament is hereunder written (*or* true copies of which said last will and testament with codicil are hereunder written) and that the administration of all and singular the personal estate and effects, rights and credits of the said deceased, and any way concerning his will, was granted by the aforesaid Court to ——, of the —— of ——, in the —— of ——, ——, one of the executors named in the said will [*or* codicil], he having been first sworn faithfully to administer the same by paying the just debts of the deceased and the legacies contained in his will, [*or* will and codicil,] so far as he is thereunto bound by law, and to exhibit a true and perfect inventory of all and singular the said estate and effects, rights and credits, and to render a just and true account of his executorship whenever required by law so to do. Power being reserved of making the like grant to ——, of the —— of ——, in the —— of ——, ——, the other executor named

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in the said will, when he should apply for the same. And be it further known, that on the —— day of ———, A. D. 18[illegible], the said will of the said deceased was also proved, and that the letters administration of all and singular the personal estate and effects, rights and credits of the said deceased, and any way concerning his will, were granted to the said —— he having been first duly sworn well and truly fully to administer the same by paying the just debts of the deceased and the legacies contained in his will, [*or* will and codicil] so far as thereunto bound by law, and to exhibit a true and perfect inventory of all and singular the said estate and effects, rights and credits, and to render a just and true account of his executorship whenever required by law so to do.

———,

[L. S.] Registrar.

23. *Exemplification of Probate or Letters of Administration with Will annexed.*

In Her Majesty's Surrogate Court of the County of

Be it known, that upon search being made in Her Majesty's Surrogate Court of the County of ——, it plainly appears that on the —— day of ———, A. D. 185 , the last will and testament [and —— codicils] of ———, late of ——, ——, deceased, who died ———, on or about ——, and had at the time of his death a fixed place of abode at ———, in the said County of ——, (*as the case may be*) was proved by ——, the executor therein named, and that on the —— day of ——, A. D. 185 , letters of administration with the last will and testament (and —— codicils) annexed of the personal estate and effects, rights and credits of ——, late of, &c. —— were granted to —— of ——, as the ——] and that said probate (*or* letters of administration) now remain of record in the said Surrogate Court. The true tenor of the said probate (letters of administration with the will annexed) is in the words following, to wit: ——— (*here grant to be recited verbatim.*)

In faith and testimony whereof these letters testimonial are issued.

Given at ——, in the aforesaid search and the of, &c.

[L. S.]

24. *Exem*

In Her Majesty's S

Be it known, that Surrogate Court of the the —— day of ——— all and singular the per ——, late of ——, in on or about the —— c death a fixed place of ab were granted to ——— ——— [or one of the letters of administration Court. The true tenor the words following, to *to be recited verbatim.*]

In faith and testimo issued.

Given at ———, in t aforesaid search and the of, &c.

[L.S.]

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Given at ——, in the County of ———, as to the time of the aforesaid search and the sealing of these presents, this —— day of, &c.

[L. S.] Registrar.

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24. *Exemplification of Administration.*

In Her Majesty's Surrogate Court of the County of ——.

Be it known, that upon search being made in Her Majesty's Surrogate Court of the County of ———, it plainly appears that on the —— day of ———, A. D. 185 , letters of administration of all and singular the personal estate and effects, rights and credits of ——, late of ——, in the —— of ——, ——, who died at ——, on or about the —— day of ———, and had at the time of his death a fixed place of abode at ——, in the said County of ———, were granted to ———, of the —— of ———, in the ——, the ——— [or one of the ———] of the said deceased, and which said letters of administration now remain of record in the said Surrogate Court. The true tenor of the said letters of administration is in the words following, to wit: [*here the letters of administration are to be recited verbatim.*]

In faith and testimony whereof these letters testimonial are issued.

Given at ———, in the County of ———, at the time of the aforesaid search and the sealing of these presents, this —— day of, &c.

[L.S.] Registrar of, &c.

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25. *Renunciation of Probate and Administration with the Will annexed.*

In the Surrogate Court of the County of ——.

Whereas A. B., late of ——, in the County of ——, deceased, died on the —— day of ——, 185 , and had at the time of his death a fixed place of abode at ——, in the said County of ——, and whereas he made and duly executed his last will and testament, bearing date the —— day of ——, 1 and thereof appointed C. D., executor and residuary legatee in trust, [*or as the case may be,*] as I am informed and believe.

Now I, the said C. D., do hereby expressly renounce all my right and title to the Probate and execution of the said will [*and* codicils, *if any,*] and to letters of administration, with the said will [*and* codicils, *if any*] annexed, of the personal estate and effects of the said deceased.

In witness whereof I have hereunto set my hand and seal this —— day of ——, 185 .

Signed, sealed, and delivered, by the said C. D., in presence of E. H. } C. D. [seal]

26. *Renunciation of Administration.*

In the Surrogate Court of the County of ——.

Whereas A. B., late of ——, in the County of ——, deceased, died on the —— day of ——, 185 , intestate, and a widower, and had at the time of his death a fixed place of abode at ——, in the said County of ——, and whereas I, C. D., of ——, in the ——, ——, am his lawful child and his only next of kin [*to be varied according to the facts.*]

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Now I, the said C. D., do hereby expressly renounce all my right and title to letters of administration of the personal estate and effects of the said deceased.

In witness whereof I have hereunto set my hand and seal, this —— day of ———, 185 .

Signed, sealed, and delivered by the said C. D., in the presence of E. H. } C. D. [Seal.]

27. *Election by Minors of a Guardian.*

In the Surrogate Court of the —— Count— of ——.

Whereas A. B., late of ———, in the County of ——— ———, deceased, died on or about the ——— day of ———, 185 , at ———, in &c., intestate, a widower, leaving C. D., E. F., and G. H., his lawful children, and only next of kin, the said C. D. being a minor of the age of twenty years only, and the said E. F. being also a minor of the age of nineteen years only, and the said G. H. being an infant of the age of six years only:

Now we, the said C. D. and E. F., do hereby make choice of and elect K. L., of the ———, in the County of ———, ———, our lawful maternal uncle, and one of our next of kin, to be our curator or guardian, for the purpose of his obtaining letters of administration of the personal estate and effects of the said A. B., deceased, to be granted to him until one of us attain the age of twenty-one years, [*or* for the purpose of renouncing for us, and on our behalf, all our right, title, and interest to and in the letters of administration, &c., *as the case may be.*]

In witness whereof we have hereunto set our hands and seals, this —— day of ——, A. D. 185 .

Signed, sealed, and delivered, in the presence of——. }

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28. *Subpœna in proceeding in common form to bring in a Will.*

Victoria by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, defender of the faith.

To ——— of the —— of ——— in the County of ———, ———.

Whereas it appears by a certain affidavit, filed in our Surrogate Court of the County of———, bearing date the —— day of ——, 185 , and made by ——— of the &c., that a certain original paper or script being, or purporting to be, testamentary [*here describe the paper*] bearing date the —— day of ——, 185 , is now in your possession, or under your control:

Now this is to command you that within ten days (or the time prescribed by the Judge,) after the service hereof on you, you do bring into and leave in the office of the Registrar of our said Court, the said original paper now in the possession of you the said ———, or under your control, or in case the said original paper be not in your possession or under your control, that you within —— days after the service hereof upon you, do file in the said office an affidavit to that effect, and thereon set forth all knowledge, if any, you have of and respecting the said original paper or script; and this you are in no wise to omit under the penalty of four hundred dollars.

Witness, [*insert the name of the Judge*] Judge of our said Court, at —— the —— day of ——, 185 .

Issued (*on Judge's order*) the —— day of ——, 185

———

Registrar, County of ———

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29. *Affidavit of Hand Writing.*

In, &c.

I, A. B., of the —— of ——, in the County of——, ——, make oath [*or* solemnly affirm] that I knew and was well acquainted with C. D., late of——, in the County of——, deceased, who died on the —— day of ——, 185 , at ——, and had at the time of his death a fixed place of abode at ——, in the said County of——, for many years before, and down to the time of his death, and that during such period I have frequently seen him write and also subscribe his name to writings, (*or as the case may be*) whereby I have become well acquainted with his manner and character of hand writing and subscription, and having now with care and attention perused and inspected the paper writing hereunto annexed, purporting to be and contain the last will and testament of the said deceased, beginning thus

ending thus

and being subscribed thus "C. D." I further make oath that I verily and in my conscience believe the whole body, series, and contents of the said will, (*or as the case may be*) together with the name "C. D." subscribed thereto, as aforesaid, to be of the true and proper hand writing and subscription of the said "C. D.," deceased.

Sworn at ——, in the County of ——, this —— day of ——, 185 , before me. } A. B.

(Person authorized to administer oaths under the Act.)

---

30. *Affidavit of Plight and Condition and Finding*

I, A. B., of &c., make oath (*or* solemnly affirms) that I am the sole executor named in the paper-writing now hereunto annexed purporting to be and contain the last will and testament of E. F., late of, &c., deceased (who died on the —— day of ——, at ——,) and had at the time of his death a fixed placed of abode at ——, in

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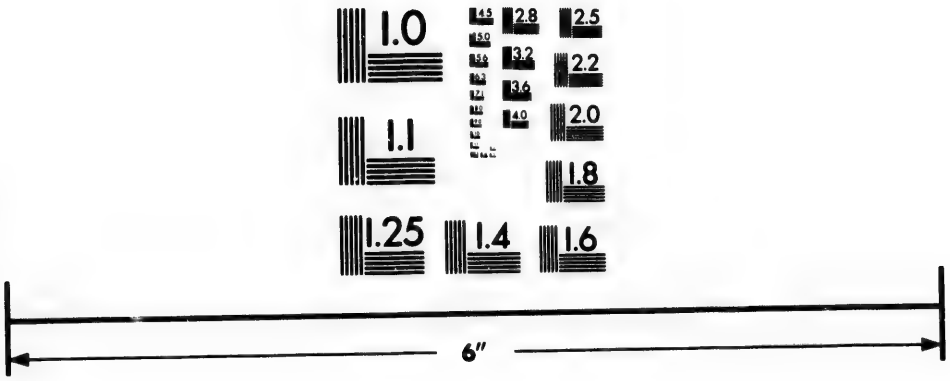

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the said County [*or as the case may be*] the said will bearing date the —— day of ———, beginning thus ending thus and being subscribed thus "C. D.," and having viewed and perused the said will and particularly observed that [*here recite the finding of the said will and the various alterations, erasures and interlineations (if any), and the general plight and condition of the will, or any other matter requiring to be accounted for, and clearly trace the will from the possession of the deceased in his life time up to the time of making the affidavit;*] I, the deponent, lastly make oath that the same is now in all respects in the same state, plight and condition as when [*or as the case may be*]

Sworn at ———, in the County of ——, the —— day of——, A.D.185 , before me ———. } A. B.

Person authorised to administer the oath under the Act.)

—o—

31. *Caveat.*

Let nothing be done in the goods of A. B., late of the ——— of ——, in the ——, ——, deceased, who died on the —— day of ——— at ———, and had at the time of his death a fixed place of abode at ———, in the County of——— [*or* "who had no fixed place of abode in Upper Canada" (*or* "who resided out of Upper Canada,") "but had at such time personal" (*or* "real") "estate in the County of ———, (*or* in the several Counties of ——— ———,)] unknown to C. D, of the ——— [*or* to E. F. of ———, the Attorney of C. D. ——.] The said C. D. is the lawful child, and only next of kin (*or as the case may be*) of the said deceased ———. The grounds on which this caveat is entered are that a paper writing alleged to be the will of the deceased, was not executed by him, (*or as the case may be.*)

C. D. of ———.

Or E. F., Attorney for C. D. of ———

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32. *Warning to Caveat.*

In the Surrogate Court of the County of ——.

To ——— of ——— (or to, &c., of ———, the Attorney of ———) having interest.

You are hereby warned, that within ten days after the service of this warning upon you, inclusive of the day of such service, you cause an appearance to be entered for you in the office of the Surrogate Court of the County of ———, to the caveat entered by you in the personal estate and effects of ———, late of ———, who died on or about the —— day of ———, at ———, and had at the time of his death a fixed place of abode at ——— (*or as stated in caveat*), and to set forth your (*or* your client's) interest, and take notice that in default of your so doing, the said Court will proceed to do such acts, matters, and things, as shall be needful and necessary to be done in and about the premises.

———

[L. S.] Registrar of the said Surrogate Court of the County of ———.

33. *Notice of Caveat being lodged with Registrar of a Surrogate Court.*

In the Surrogate Court of the County of ——.

To the Surrogate Clerk.

In the Goods of ——— deceased.

A caveat, of which the following is a copy, has this day been lodged with me: "Let nothing," &c. (*here copy caveat at length and verbatim*).

Dated ———

———

Registrar.

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34. *Bond on Appeal to Chancery.*

KNOW ALL MEN BY THESE PRESENTS:

That we, A. B., of C. D., of &c., and E. F., of &c., are jointly and severally held and firmly bound unto G. H., of &c., in the penal sum of ——— dollars, for which payment to be well and truly made we bind ourselves, and each of us by himself, our and each of our heirs, executors and administrators firmly by these presents. Sealed with our seals, this —— day of ———, 185

Whereas, ———, [the appellant] considers himself aggrieved by a certain order (*or as the case may be*) made by the judge of the Surrogate Court of the County of ———, made on or about the —— day of ———, last, in a certain (*mention matter or cause in which order made*) and whereas the value of the goods and chattels affected by the said order exceeds $200, wherefore he, the said ——— [*the appellant*] desires to appeal therefrom to the Court of Chancery.

Now the Condition of this obligation is such that if the said ———, [*the appellant*] shall effectually prosecute his appeal and pay such costs, charges and expenses as shall be awarded if the said order shall be affirmed or in part affirmed, then this obligation to be void, otherwise to remain in full force.

Signed and Sealed in presence of ———.)

A. B., [L. S.]
C. D., [L. S.]
E. F., [L. S.]

BOOKS TO BE KEPT BY REGISTRARS OF THE SURROGATE COURTS.

SURROGATE COURT, COUNTY OF (*Simcoe.*)

35. NON-CONTENTIOUS BUSINESS BOOK.

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BOOKS TO BE KEPT BY REGISTRARS OF THE SURROGATE COURTS.

BOOKS TO BE KEPT BY REGISTRARS OF THE SURROGATE COURTS.

SURROGATE COURT, COUNTY OF (*Simcoe.*)

35. NON-CONTENTIOUS BUSINESS BOOK.

No. of Application.	Name, Residence, and Addition of Deceased.			Time of death.	When application received.	Name, Residence, and Addition of Applicant.			Nature of Application.	When Notice to Surrogate Clerk Mailed.	When Certificate of Surrogate Clerk received.	Nature of matter certif'd	Date & nature of order or direction by Judge with reference to Grant Book if grant ordered.	Collateral proceedings with references to the entries in other books.
	Name.	Residence.	Addition.			Name.	Residence.	Addition.						
1	Jno. Jones.	Town of Barrie, County of Simcoe.	Esquire.	10th Septembr. 1858.	1st October, 1858.	Jas. Jones.	Town of Collingwood County of Simcoe.	Merchant.	For Probate of Will as sole Executor.	1st October, 1858.	4th October, 1858.	No other Application, No Caveat.	5th October, 1858, for grant—same day Probate issu'd —see No. 6, page 12, on Grant Book.	
2	John Day.	Vespra, County of Simcoe.	Carpenter.	24th Septembr. 1858.	2nd October, 1858.	Robt. Day.	Flos, County of Simcoe.	Mason.	For Letters of Administration as next of kin.	4th October, 1858.	17th October, 1858.	No other Application—No Caveat.	6th October, 1858, widow of deceased to be cited.	Citation to Mary Day, 12th October, 1858,—Process Book, page —.

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SURROGATE COURT, COUNTY OF (*Simcoe.*)

36. GRANT BOOK.

Name, Residence, and Addition of Deceased.			Time of Death.	Date of Grant.	Name, Residence, and Addition of Executors or Administrators.			Nature of Grant.
Name.	Residence.	Addition.			Name.	Residence.	Addition.	
Adams, James.	Barrie.	Esquire.	24th July, 1858.	24th Sept., 1858.	James Jones, and Thomas Jones, Executors.	Barrie.	Esquire.	Probate of Will and Codicil.

SURROGATE COURT, COUNTY OF (*Simcoe.*)

37. PROCESS BOOK.

Name, Residence, and Addition of Deceased.			Name of Applicant.	Nature of Process, to whom directed, or [illegible]	When Issued.	When Returnable.	[illegible]
Name.	Residence.	Addition.					

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SURROGATE COURT, COUNTY OF (*Simcoe.*)

SURROGATE COURT, COUNTY OF (*Simcoe.*)

37. PROCESS BOOK.

Name, Residence, and Addition of Deceased.			Name of Applicant.	Nature of Process, to whom directed, or where to be affected.	When Issued	When Returnable.	Action thereon.
Name.	Residence.	Addition.					
John Dick.	Mono Mills, County of Simcoe.	Yeoman.	Mary Dick.	Subpœna to bring in a Script.	9th October, 1858.	Eight days after service.	

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38. REGISTER BOOK.

(In this book every grant is to be entered at length, with a tran-script of will and codicil, if any, subjoined in case of probate or administration with the will annexed.)

SURROGATE COURT, COUNTY OF *(Simcoe.)*

39. CAVEAT BOOK.

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SURROGATE COURT, COUNTY OF (*Simcoe.*)

39. CAVEAT BOOK.

No. of Application.	Name, Residence, and Addition of Deceased.			When Caveat lodged.	Name, Residence, and Addition of Party entering.			Nature of Party's interest in the goods of deceased.	Address as given in Caveat.	When Notice sent to Surrogate Clerk	If Caveat warned, when.
	Name.	Residence.	Addition.		Name.	Residence.	Addition.				
4	Moses Mack.	Town of Bradford, County of Simcoe.	Esquire.	1st Oct., 1858.	John Mack.	City of Toronto.	Esquire.	As next of kin.	"Toronto."	2nd Oct., 1858.	

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40. *Certificate by the Surrogate Clerk upon notice of application for Grant.*

Office of the Surrogate Clerk.

In the goods of ———, deceased, named in a certain notice of application for grant of probate (*or* administration, *as the case may be*), dated the —— day of———, 185 , as———, late of ———, &c., *copy from notice of application.*)

I, ———, the Surrogate Clerk, do hereby certify that no notice of application in respect to the goods of the said deceased, has been received by me from any of the Registrars of the Surrogate Courts in Upper Canada, save the above, [*or if another notice has been received add* "and a certain other notice of application from the Registrar of the Surrogate Court of the County of ———" (dated the —— day of ——— &c.,) for a grant (of the probate of the will bearing date, &c., *as in the notice of application*)].

And I further certify that no caveat or copy of caveat against the grant of Probate or administration in the goods of the said deceased, has been lodged with or received by me [*or if caveat or notice of caveat has been lodged or received, instead of the above, say* "and I further certify that a caveat (*or* copy of a caveat) in the goods of the said deceased, has been lodged with (*or* received by) me on the —— day of ———, a copy of which is hereunto annexed.]

Dated ———

———

Surrogate Clerk

41. APPLICATION BOOK.

OFFICE OF THE SURROGATE CLERK.

No. of Notice of	Name, Residence, and Addition of Deceased.	Time of	When No.	Name, Residence, and Addition of Applicant.	Court Into	When Certif.

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41. APPLICATION BOOK.

41. APPLICATION BOOK.

OFFICE OF THE SURROGATE CLERK.

No. of Notice of Application.	Name, Residence, and Addition of Deceased.			Time of Death.	When Notice rec'd.	Name, Residence, and Addition of Applicant.			Nature of Applicat'n.	Court into which Application made.	When Certificate of Sur'g'te Clerk mailed.	Note of matter certified.
	Name.	Residence.	Addition.			Name.	Residence.	Addition.				
1	Edw'd Tucker.	Hamilton.	Merchant.	1st Jan'ry, 1858.	26th Sept., 1858.	John Dean.	Hamilton.	Surveyor.	For Probate as Executor	of Wentworth.	27 Sept., 1858.	No other Application. No Caveat.

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42. CAVEAT BOOK.

OFFICE OF THE SURROGATE CLERK.

No. of Caveat.	Name, Residence and addition of deceased.			When Caveat or copy of Caveat received.	If a copy of Caveat from what Court received.	Name, Residence and addition of party entering.			Nature of party's interest in goods of deceased.	Address as given in Caveat.	If notified to the Registrar of a Surrogate Court, when, and number of notice of application upon which notification made.
	Name.	Residence.	Addition.			Name	Residence.	Addition.			
1	John Jones.	London.	Carpenter.	24th Sept. 1858.	Of Middlesex.	Wm. Jones.	London.	Carpenter.	As next of kin, or "residuary legatee" *as the case may be.*	"City of London, E.C."	

43. GRANT BOOK.

OFFICE OF THE SURROGATE CLERK.

Name, Residence, and Addition of Deceased.			Time of Death.	Date of Grant.	Name of Executors or Administrators.	Nature of Grant.	In what Court.
Name.	Residence.	Addition.					

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43. GRANT BOOK.

43. GRANT BOOK.

OFFICE OF THE SURROGATE CLERK.

Name, Residence, and Addition of Deceased.			Time of Death.	Date of Grant.	Name of Executors or Administrators.	Nature of Grant.	In what Court.
Name.	Residence.	Addition.					
Adams, James.	Toronto.	Esquire.	24th July, 1853.	24th Sept., 1858.	James Jones and Thomas Jones, Executors.	Probate of Will and Codicil.	Of York and Peel.

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A.

TABLE OF FEES.

To be taken by Registrars and Officers of the Surrogate Court for duties and services under the Act, in respect of contentious business:

BY REGISTRARS.

Receiving and entering application for probate or administration and transmitting notice thereof to the Surrogate Clerk (exclusive of postage) ..... [illegible]

Receiving and entering Certificate of Surrogate Clerk ..... [illegible]

Preparing all the necessary affidavits in a matter of probate or administration ..... [illegible]

Every bond on administration or otherwise, with affidavit of sufficiency ..... [illegible]

Preparing instrument of renunciation with affidavit of execution ..... [illegible]

On every grant of probate or administration and entering the same in Register Book as follows:

Where property devolving is under $1200, [illegible]

" " " from $1200 to $4000 [illegible]

" " " from $4000 to $8000 [illegible]

" " " above $8000 ..... [illegible]

Recording will in addition per folio ..... [illegible]

For probate or administration issued under seal of Court, [illegible] strument ..... [illegible]

(If special may be charged at 10 cents per folio [illegible] the Judge.)

Transcript of will in addition, per folio ..... [illegible]

Notice of grant to Surrogate Clerk ..... [illegible]

Certified copy of will, in addition, per folio ..... [illegible]

Drawing special orders or other instruments directed by the Judge per folio ..... [illegible]

Taking every affidavit ..... [illegible]

Attending and entering every order made, or proceeding had, on a special attendance or attendance for audit by Judge ..... [illegible]

Every summons, citation or other process issued under seal of the Court ..... [illegible]

If over three folio, in addition per folio ..... [illegible]

Filing caveat and tr[illegible]
exclusive of post[illegible]
Warning to a caveat [illegible]
Receiving and enteri[illegible]
Receiving and enterin[illegible]
cery ..... [illegible]
For search by a party [illegible]
For looking up origi[illegible]
Every certificate of s[illegible]
If over three foli[illegible]
Exemplification unde[illegible]
If exceeding 5 f[illegible]
For depositing every [illegible]
ing a deposit re[illegible]
For taxing costs and [illegible]
[No fee allowed [illegible]

BY SHERIFFS (OR BY [illegible]

Serving process or oth[illegible]
Every arrest under pro[illegible]
Necessary mileage to [illegible]
ally travelled* ..... [illegible]
Mileage conveying pa[illegible]
Making returns to pro[illegible]

[Allowance for other [illegible]
ing the County Court T[illegible]

* Where process actually [illegible] allowed.

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Filing caveat and transmitting notice thereof to Surrogate Clerk, exclusive of postage	$ 50
Warning to a caveat (exclusive of postage) and noting same	50
Receiving and entering bond on appeal	25
Receiving and entering order or direction from the Court of Chancery	25
For search by a party in the Registrar's books	10
For looking up original will or instrument, and inspection	30
Every certificate of search or extract	50
If over three folio, in addition per folio	10
Exemplification under seal of Court	1.00
If exceeding 5 folio, per folio	10
For depositing every will of a living person for safe custody, including a deposit receipt	50
For taxing costs and granting certificate	50

[No fee allowed for filing papers in non-contentious business.]

BY SHERIFFS (OR BY APPARITORS WHERE SUCH OFFICERS HAVE BEEN APPOINTED.)

Serving process or other instrument or paper	$0.50
Every arrest under process, or by order of the Court	1.00
Necessary mileage to serve process or to arrest party per mile actually travelled[4]	10
Mileage conveying party to gaol, per mile (to cover all disbursements)	20
Making returns to process, instrument or paper	20

[Allowance for other services to be specially fixed by Judge, taking the County Court Tariff of Fees as a guide.]

[4] Where process actually served or party arrested, mileage in travelling only one way allowed.

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B.

TABLE OF FEES,

To be taken by Attorneys in respect to Business and Services under the Act in non-contentious cases.

Consulting fee	[illegible]
Preparing all necessary papers and proofs, and passing probate of Administration through a Surrogate Court in ordinary cases, as follows:	
Where property devolving is under $1200	[illegible]
" " " is from $1200 to $1000	[illegible]
" " " is from $1000 to $[illegible]000	[illegible]
" " " is over $[illegible]000	[illegible]

(In case of limited or other special grant, an additional sum not exceeding $4.00 may be allowed on order of the Judge.)

For every necessary attendance before Judge when matter special	[illegible]

(No allowance for ordinary attendances in common form business.)

Affidavits to lead citation and affidavits other than those [illegible] grant—each	[illegible]
If over 3 folio, per folio additional	[illegible]
Fee on subpœna to bring in script, and on citation or other [illegible] ment under seal of Court	[illegible]
Preparing caveat and entering same	[illegible]
Attending and giving written instructions for warning caveat [illegible]	[illegible]
Preparing bond on appeal with affidavit of execution, and affidavit of justification	[illegible]
Notice of appeal, copy and service	[illegible]
Bill of costs	[illegible]

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THE SURROGATE COURTS.

GUARDIANS.

The judges appointed under the 14th section of the Surrogate Courts Act, 1858, do in pursuance of the powers conferred upon them by the 64th section of the said Act, order and direct that the rules, orders and directions hereinafter set forth shall be the general rules and orders:

For regulating the practice and procedure under the Act of Upper Canada passed the eighth year of King George IV, chap. 6, entituled, "*an Act respecting the appointment of guardians;*" and for fixing and regulating the fees to be taken by officers, and attornies, and counsel respectively, for business and proceeding done and taken under the said last mentioned Act.

1. In all matters and applications touching or relating to the appointment, control or removal of guardians of infants, and the security to be given by such guardians, the practice and procedure in the Surrogate Courts shall conform as nearly as the circumstances of the case will admit to the practice and procedure of the said Courts in respect to applications for grants of letters of administration and grants thereof.

2. Applications for the appointment of guardians may be according to the form 1, or to the like effect.

3. The notice of such application to be sent by the Registrar to the Surrogate Clerk, may be in the form 2, or as near thereto as circumstances admit; and, as in application

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for grant of probate or administration, unless under special order or decree of the judge, letters of guardianship shall not be granted until the Registrar shall have received the certificate of the Surrogate Clerk touching the same.

4. Parties may lodge a caveat against the grant of letters of guardianship in like manner as other caveats are lodged, and the practice in respect to the same shall conform as nearly as may be to the practice in the case of caveats against the grant of administration.

5. The security to be given by guardians shall be by bond in the form 4, or as near thereto as circumstances will admit.

6. Letters of Guardianship may be in the form 3, or to the like effect.

7. The several Registrars shall keep books as nearly as may be in the form 5, and the Surrogate Clerk shall keep a book as nearly as may be in the form 6.

8. Registrars and officers of the Surrogate Courts shall for the performance of duties and services under the said Act of King George the Fourth, touching or relating to the appointment, control, or removal of Guardians, be entitled to take and receive to their own use the same fees, as nearly as the circumstances of the case will admit, as they may be entitled to take and receive in contentious or non-contentious business, as the case may be, in the said Courts.

9. The fees payable to the fee fund, and Registrars, on such business and proceedings in the Surrogate Courts (and postage, when necessary) shall be paid to the Registrar in the first instance, by the party on whose behalf such proceeding is to be had on or before such proceeding.

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10. Attornies practising in the said Courts shall be entitled to take for the performance of duties and services as aforesaid, in relation to the appointment, control, and removal of guardians, the same fees, as nearly as the circumstances of the case will admit, as they are entitled to take in non-contentious business in the said Courts.

11. The duties required of the Surrogate Clerk in respect to matters and causes testamentary, so far as may be applicable, he shall perform in respect to applications for letters of guardianship, and in relation to guardianship business.

ROBERT E. BURNS, J.

J. G. SPRAGGE, V.C.

JAS. R. GOWAN, Co. J.

Toronto, 29th November, 1858

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FORMS.

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1. *Applications for Letters of Guardianship by one of the next of Kin of infant children of deceased widower.*

Unto the Surrogate Court of the County of ——

The petition of A. B., of the ——— of ——— in the County of ——— Esquire.

Humbly Sheweth:—

That C. D., late of &c., died on or about the —— day of ———185 , a widower, leaving E. F. and G. H. his natural and lawful children, the said E. F. being an infant of the age of years, and the said G. H. being an infant of the age of years, and that both the said E. F. and G. H. reside at ——— in the said County of———.

That the said C. D. died intestate, (*or as the case may be*) and without appointing any curator or guardian of the said infants.

That due notice has been given of the petitioner's intention to apply to be appointed Guardian, and that the petitioner is the natural uncle, and one of the next of kin of the said infants.

Wherefore your petitioner prays that he may be appointed Guardian of the said infants E. F. and G. H., and that Letters of Guardianship may be granted to him by this Honorable Court, pursuant to the Statute in that behalf.

A. B.

(Or if signed by Attorney, "A. B. by his Attorney J. P. one, &c.)
Dated, &c.

2. *Notice to be tra... the Surrogate ... by one of ...*

The Surro...

To the Surrogate C...

Take notice that ... Court of the Count... guardian to E. F. a... the said County) in... widower intestate (... any curator or guar... maternal uncle of t...

Application receive...

This notice mailed t... of ———, 18...

3

In Her Majesty's ...

Whereas A. B., ... forth that C. D., lat... he might be appoi... the statute in that b... granted to him by t...

Be it known that ... said A. B. was appoi... and these Letters of ... said Court to the sai... all such acts, matter... under and by virtue ... or of this Province, ... tered six, he the sa... by law to perform th...

[L.S.]

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2. *Notice to be transmitted by the Registrar of a Surrogate Court to the Surrogate Clerk, of application for Letters of Guardianship by one of the next of kin of infant children of deceased widower.*

The Surrogate Court of the County of ——.

To the Surrogate Clerk.

Take notice that application has been made to the Surrogate Court of the County of ———, by A. B., of &c., to be appointed guardian to E. F. and G. H., (who reside at the —— of ———, in the said County) infant children of C. D., late of &c., who died a widower intestate (*or as the case may be*) and without appointing any curator or guardian of the said infants, the said A. B being the maternal uncle of the said infants.

Application received the —— day of ———, 185 .

This notice mailed the —— day of ———, 185 . } ——— Registrar of the said Court.

3. *Letters of Guardianship.*

In Her Majesty's Surrogate Court of the County of ——.

Whereas A. B., of &c., by Petition to the said Court, did set forth that C. D., late of &c., (*recite as in petition,*) and prayed that he might be appointed Guardian of the said infants, pursuant to the statute in that behalf, and that Letters of Guardianship might be granted to him by the said Court.

Be it known that on the —— day of ———, A. D., 185 , the said A. B. was appointed Guardian of them the said E. F. and G. H., and these Letters of Guardianship are accordingly granted by the said Court to the said A. B., with power and authority to him to do all such acts, matters and things as a Guardian may or ought to do, under and by virtue of any Act of the Parliament of Upper Canada, or of this Province, relating to minors and their property, chaptered six, he the said A. B. having been first bound as required by law to perform the said trust.

———,

[L.S.] Registrar.

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4. *Bond to be given by Guardian.*

Know all men by these presents: That we, A. B., of &c., C. D. of &c., and E. F., of &c., are held and firmly bound unto G. H. and J. H., of &c., the infant children of O. H., of &c., deceased, in the following penal sums, that is to say, the said A. B. in the sum of —— dollars, the said C. D. in the sum of —— dollars, and E. F. in the sum of —— dollars: For which payment to be well and truly made unto the said G. H. and J. H., we bind ourselves and each of us by —— our and every of our executors and administrators firmly by these presents: sealed with our seals. Dated this —— day of ———, in the year of our Lord 185

Whereas the said A. B. being appointed guardian of the said infants by the Surrogate Court of the County of ———, according to the statute in that behalf, is required to give security to perform the said trust:

Now, the condition of this obligation is such, that if the said bounden A. B., guardian to the infant children of the said O. H., shall faithfully perform the said trust, and that the said guardian, or —— executors or administrators will, when the said wards respectively become of the full age of twenty-one years, or when the said guardianship shall be determined, or sooner if thereunto required by the Judge of the said Surrogate Court, render to the said wards or to their executors or administrators, a true account of all goods, monies, interests, rents, profits or property of the said wards which shall have come into the hands of the said A. B., and will thereupon without delay deliver and pay over to the said wards or to —— or their executors or administrators, the property or the sum or balance of money which may be in the hands of the said guardian belonging to such ward or wards, deducting therefrom and retaining a reasonable sum for the expenses of the said guardian, then this obligation to be void or else to remain in full force and virtue.

Signed, Sealed and Delivered in presence of

A. B. [L. S.]
C. D. [L. S.]
E. F. [L. S.]

SURROGATE COURT, COUNTY OF ———

5. GUARDIAN BOOK.

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SURROGATE COURT COUNTY OF

SURROGATE COURT, COUNTY OF ———

5. GUARDIAN BOOK.

No. of Application.	Name of Father of Minors, and place of residence at time of his decease.	Names and places of Residence of Minors.	When Application Received.	Name, Residence and Addition of Applicant.	When notice to Surrogate Clerk Mailed.	When certificate from the Surrogate Clerk received.	Nature of matter Certified.	Note of order or direction by Judge—, of letters of Guardianship, if granted, & of other proceedings had.

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FOR THE SURROGATE CLERK'S OFFICE.

6. GUARDIAN BOOK.

Name of Father of Minors, and residence at time of his decease.	Names and places of Residence of Minors.	When notice received.	From what Surrogate Court	Name, Residence and addition of Applicant.	When Certificate to Registrar of Surrogate Court mailed.	Nature of matter Certified.